



DAC #3

JMc:mlm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 71493-863

In re application of FREDERIC SIMARD, ET AL)
Serial No.: 09/750,015) Art Unit: 2642
Filed : DECEMBER 29, 2000) Examiner:
For : APPARATUS AND METHOD FOR PACKET-)
BASED MEDIA COMMUNICATIONS)

PETITION UNDER 37 C.F.R. 1.47(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request that the subject application be accorded status under 37 C.F.R. 1.47(b) as inventor David Cuddy refuses to join in this application.

The attached declarations of James McGraw and Chris MacMillan set out the facts.

The last known address of inventor Cuddy as of April 19, 2000 is:

205 Faraday Street
Ottawa, Ontario
K1Y 3M5 Canada

Inventor Cuddy signed and submitted an invention disclosure submission to the Nortel Networks Limited patent department on or about January 12, 2000, at which time he was an employee of Nortel Networks Limited. As an employee, he was under an obligation to assign

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OFFICE OF PETITIONS

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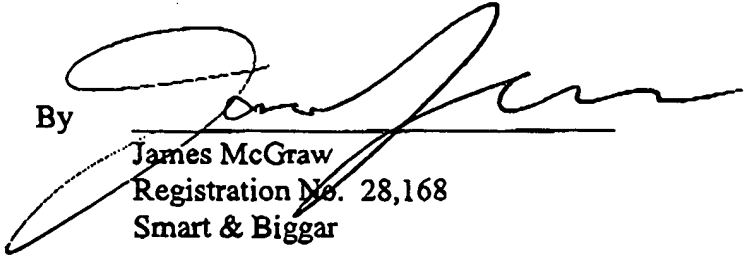
to Nortel Networks Limited all rights in any invention made during the course of his employment.

Applicants respectfully request that the application be allowed to proceed without the signature of inventor Cuddy. Such action is necessary to preserve the rights of Nortel Networks Limited as failure to proceed could permit an intervening third party to establish an earlier filing date.

Respectfully submitted,

FREDERIC SIMARD, ET AL

By



James McGraw
Registration No. 28,168
Smart & Biggar

Dated: May 23, 2001

Ottawa, Ontario, Canada
Tel: (613) 232 2486 ext. 310

Encls. Declarations